

REMARKS

Initially, Applicant would like to express his appreciation to the Examiner for the detailed Official Action provided.

Upon entry of the above amendments, claims 1, 6 and 7 will have been amended. Claims 1-12 are currently pending. Applicant respectfully requests entry of the present amendments, reconsideration of the outstanding rejections, and allowance of all the claims pending in the present application.

In the outstanding Official Action, the Examiner rejected claims 1, 2 and 5-10 under 35 U.S.C. § 102(e) as being anticipated by SAITO (U.S. Patent No. 6,313,956).

Applicant respectfully traverses the rejection of claims 1, 2 and 5-10 under 35 U.S.C. § 102(e).

Applicant notes that independent claims 1, 6 and 7 each recite an objective lens having an outer area through which light is diffused, and an effective area through which light passes to form a beam spot. In addition, the effective area includes a common area through which light passes to form beam spots on optical discs of a first higher density format or a second lower density format, and an exclusive area through which light passes to form beam spots on optical discs of only the first higher density format.

Applicant submits that SAITO lacks any disclosure of an objective lens having an outer area through which light is diffused, and an effective area including both a common area and an exclusive area. In this regard, Applicant submits that in the embodiment depicted in Figs. 12a and 13 of SAITO, light passing through areas Sd1 and Sd3 forms a beam spot for a first higher density format optical disc (Fig. 12a), and light passing through areas Sd1 and Sd2 forms a beam spot for a second lower density format optical disc (Fig. 13). Accordingly, Applicant submits that each of areas Sd1, Sd2 and Sd3 are part of the effective area of the objective lens of SAITO, and that there is no disclosure of an outer area through which light is diffused. Further, even assuming, arguendo, that area Sd3 could be characterized as the claimed outer area, Applicant notes that area Sd2 is only used to form a beam spot for the *lower density* format optical disc, and not for the *higher density* format optical disc.

In addition, Applicant submits that in the embodiment depicted in Fig. 16 of SAITO, light passing through areas Sd1, Sd3 and Sd5 forms a beam spot for a first higher density format optical disc, and light passing through areas Sd1, Sd2 and Sd4 forms a beam spot for a second lower density format optical disc. Accordingly, Applicant submits that each of areas Sd1, Sd2, Sd3, Sd4 and Sd5 are part of the effective area of the objective lens of SAITO, and that there is no disclosure of an outer area through which light is diffused.

Applicant also submits that dependent claims 2, 5 and 8-10, which are patentable at least due to their respective dependencies from claims 1 and 7, for the reasons noted above, recite additional features of the invention and are also separately patentable over the prior art of record.

Accordingly, Applicant submits that the rejection of claims 1, 2 and 5-10 under 35 U.S.C. § 102(e) is improper at least for each, and certainly for all, of the above reasons. Applicant respectfully requests reconsideration and withdrawal of the rejection, and an early indication of the allowance of these claims.

In the outstanding Official Action, the Examiner rejected claims 3, 4, 11 and 12 under 35 U.S.C. § 103(a) as being unpatentable over SAITO (U.S. Patent No. 6,313,956).

Applicant respectfully traverses the rejection of claims 3, 4, 11 and 12 under 35 U.S.C. § 103(a).

Applicant submits that claims 3, 4, 11 and 12 are at least patentable due to their respective dependencies from claims 1 and 7 for the reasons noted above. Further, claims 3, 4, 11 and 12 recite additional features of the invention and are also separately patentable over the prior art of record. Applicant submits that the additional subject matter recited in claims 3, 4, 11 and 12 are more than mere optimizations of an effective variable, as contended by the Examiner.

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Accordingly, Applicant submits that the rejection of claims 3, 4, 11 and 12 under 35 U.S.C. § 103(a) is improper at least for each, and certainly for all, of the above reasons. Applicant respectfully requests reconsideration and withdrawal of the rejection, and an early indication of the allowance of these claims.

SUMMARY AND CONCLUSION

Entry and consideration of the present amendment, reconsideration of the outstanding Official Action, and allowance of the present application and all of the claims therein are respectfully requested and now believed to be appropriate.

Applicant has made a sincere effort to place the present application in condition for allowance and believes that he has now done so.

Any amendments to the claims that have been made in this amendment, which do not narrow the scope of the claims, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered cosmetic in nature, and to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should there be any questions or comments, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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